



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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July 13, 2005

TO: Washington State Board of Health Members

FROM: Carl Osaki, Vice Chair

**SUBJECT: ONSITE WASTEWATER RULE SUPPLEMENTAL HEARING,
CHAPTER 246-272A WAC**

Background and Summary

Today the Board is being asked to hold a hearing on proposed revisions to Chapter 246-272 WAC Small Onsite Sewage Systems. It held a hearing on proposed revisions to the rule at its March 9, 2005 meeting, and then continued discussion to its May 11, 2005 meeting. At that meeting, the Board requested several changes be made to the proposed rule. The Board subsequently filed a supplemental CR-102 form with amendments to the proposed rule that reflected those changes.

In your packet today is the supplemental CR-102 form, the new proposal for the rule text, and revised versions of the Legislatively Significant Rule Analysis and the Small Business Economic Impact Statement.

Before the Board opens the hearing to public testimony, Maryanne Guichard, Director of the Department of Health Office of Environmental Health and Safety, will brief the Board (see attached presentation). She will discuss the process that led up to this hearing and the changes between the draft rule proposed in March and the one before the Board today. Briefly stated, those changes are:

- The previous version required more detailed operation and maintenance (O&M) plans from all 14 marine counties; the current proposal requires them of only the 12 Puget Sound counties.
- The deadline for O&M plans in the current version is July 1, 2007.
- Changes to language about drainfield size in sandy soils would ensure that lots which are buildable under the existing rule remain buildable if the proposed revisions are adopted.
- Minimum lot size requirements revert to those in the existing rule.
- A requirement that homeowners provide documentation of O&M at the time of sale has been clarified to apply only if the documents are available.

Ms. Guichard will also discuss the written comments submitted during the open public comment period and the Department of Health's (DOH) response (see attached matrix).

Finally, she will discuss DOH's recommendations for an effective date for the rule. As mentioned previously, O&M plans for Puget Sound counties would be due July 1, 2007. Much of the rule, particularly the new design standards, would become effective September 15, 2006, approximately one year after adoption and filing. Portions of the rule related to product approval and registration would become effective September 15, 2005 (approximately 31 days after the anticipated filing). New listings would be required March 15, 2007.

Recommended Board Action

Depending on testimony received today and the Board's own discussions, the Board may choose to consider, amend if necessary, and adopt the following motion:

The Board repeals portions of Chapter 246-272 WAC as published in WSR 05-02-082 and adopts Chapter 246-272A WAC as published in WSR 05-11-109 with the following changes:

- *In section 246-272A-0425, replace "(insert a date for years after the effective date of the rules)" with "September 2009."*
- *In sections 246-272A-0125, -0135, -0150, and -0175, replace "effective date of this chapter" and similar references with "September 15, 2005" and replace "eighteen months after the effective date of the chapter" and similar references with "March 15, 2007."*